APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,249	03/31/2004	Hiroki Okabe	ITECP013	9183

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EXAMINER
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ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 February 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>6-11 and 18-20</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>6-11 and 18-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☒ All   b)☐ Some *   c)☐ None of:

  1.☒ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>02/27/2006</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

02/26/2009 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-20 have been considered but are

moot in view of the new ground(s) of rejection.

3.   With respect to the remarks stating the reference Barry does not teach the claims

6 and 18 in view of the amendments, a new reference has been used and the claims

stand rejected. The new rejection has been made in view of Journal Article of *InfoWorld*

v13n39, pp:85-89, titled "JetForm Elevates Form Filling with Client/Server Features",

written by Fritz Nelson, published September 30, 1991, herein as "Nelson".   Nelson

teaches the current invention according to the newly amended claims. Further

explanations are provided below

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   **Claims 6-11 and 18-20 are rejected** under **35 U.S.C. 102(b)** as being

anticipated by **Journal Article of _InfoWorld v13n39, pp:85-89,_ titled "JetForm**

Elevates Form Filling with Client/Server Features", written by Fritz Nelson,

published September 30, 1991, herein as "Nelson".

6.   **Claims 1-5 (Canceled).**

        Regarding **Claim 6, Nelson** teaches a print management system that allocates

each print demand to one of multiple printing devices, which print an image on a

medium, said print management system **(Page 85, Column 4; Noted: JetForm offers**

a sophisticated way of handling the merge and print processes.)comprising:

        a print demand acceptance module that receives a print demand including one a

printing request of an image **(Page 87, Column 2; Noted: JetForm lets you take**

printed forms and images and convert them to templates which can be used

within the JetForm system.; Page 88, Column 2; Noted: A workstation can send

data to JetForm Server in several ways, such as a print queue or a print server.);

and

        a print allocation module that, in response to reception of a print demand,

retrieves a matching print demand that includes an identical image with the image of the

received print demand, among print demands in an allocated state or a printed state,

determines a state of a spooler of a printer to which the matching print demand has

been allocated, allocates the received print demand to the printer when the spooler has

any vacancy, while, when the spooler has no vacancy, waiting and allocating the

received print demand to the printer after a vacancy occurs in the spooler, and sets the

status of the received and allocated print demand to the allocated state **(Page 88,

Column 2 – Column 3; Noted: After accepting the print data, the server is

constantly scans predetermined directories of the machine it runs on, looking for

a job requests and data files that match previously recorded requests and data

files in the database. The server merges the information with the matched

information and sends it to the correct printer. Also Noted: It is well known in the

art that print servers may spool the print jobs by saving them in a disk file until

the printer is ready to accept them. To "spool" (simultaneous peripheral

operation on line) a file is to utilize a program or device that controls the flow of

data to an outputting device, such as a printer. Spooling allows the user to send

data to a device that is already occupied, and the data will be passed onto the

desired destination as soon as possible. In this manner, print jobs that are

temporarily saved in a file are processed one at a time by a daemon, which is a

job control program or "process" that runs in the background and controls the

print server "queues" where such files are temporarily stored. The use of print

server queues allows multiple users to concurrently send print jobs to the printer

without encountering conflicts.)**

Regarding **Claim 7, Nelson** discloses wherein the printing included in the print

demand has image identification information for identifying an image to be printed

(Page 88, Column 1 -Column 2, Noted: JetForm supports TIFF, PCX, and its own

I.GO. JetForm matches according to file extensions, then matching those with

information within the database, the information within the database recorded is

name of the form, printer name, where to send, macro numbers, etc.) , said print

management system further comprising:

an information storage module that stores the image identification information for

identifying the allocated image and the relevant printing device, to which the printing

request for printing the allocated image has already been allocated **(Page 88, Column**

2; Noted: See "The Job Management Database"),

wherein said print allocation module allocates a printing request for printing an

image having an identical piece of the image identification information with the stored

image identification information for identifying the allocated image to the stored relevant

printing device, to which the printing request for printing the allocated image has already

been allocated **(Page 88, Column 2, Noted: as expressed above, the server**

matches requests and data files accordingly, merges the information and sends

the job to the correct printer.).

Regarding **Claim 8, Nelson** discloses wherein the identification information

includes at least one of a file name of each image, identification information for

identifying a digital camera used to record the image, date of recording the image with the digital camera, and a data size of the image **(Page 88, Column 1 -Column 2, Noted: JetForm supports TIFF, PCX, its own I.GO. JetForm matches according to file extensions, then matching those with information within the database, the information within the database recorded is name of the form, printer name, where to send, macro numbers, etc.).**

      Claims 12-17 (Canceled).

      Regarding **Claim 18, Nelson** teaches a print management method that allocates each print demand to one of multiple printing devices, which print an image on a medium, said print management method comprising the steps of:

      (a) receiving a print demand including a printing request of an image **(Page 87, Column 2; Noted: JetForm lets you take printed forms and images and convert them to templates which can be used within the JetForm system.; Page 88, Column 2; Noted: A workstation can send data to JetForm Server in several ways, such as a print queue or a print server.);** and

      (b) in response to reception of a printer print demand, retrieving a matching print demand that includes an identical image with the image of the received print demand, among print demands in an allocated state or a printed state, determining a state of a spooler of a printer to which the matching print demand has been allocated, allocating

the received print demand to the printer when the spooler has any vacancy, while, when the spooler has no vacancy, waiting and allocating the received print demand to the printer after a vacancy occurs in the spooler, and setting the status of the received and allocated print demand to the allocated state **(Page 88, Column 2 – Column 3; Noted: After accepting the print data, the server is constantly scans predetermined directories of the machine it runs on, looking for a job requests and data files that match previously recorded requests and data files in the database. The server merges the information with the matched information and sends it to the correct printer. Also Noted: It is well known in the art that print servers may spool the print jobs by saving them in a disk file until the printer is ready to accept them. To "spool" (simultaneous peripheral operation on line) a file is to utilize a program or device that controls the flow of data to an outputting device, such as a printer. Spooling allows the user to send data to a device that is already occupied, and the data will be passed onto the desired destination as soon as possible. In this manner, print jobs that are temporarily saved in a file are processed one at a time by a daemon, which is a job control program or "process" that runs in the background and controls the print server "queues" where such files are temporarily stored. The use of print server queues allows multiple users to concurrently send print jobs to the printer without encountering conflicts.).**

Regarding **Claim 19, Nelson** discloses wherein he printing request included in

the print demand has image identification information for identifying an image to be

printed **(Page 88, Column 1 -Column 2, Noted: JetForm supports TIFF, PCX, its**

own I.GO. JetForm matches according to file extensions, then matching those

with information within the database, The information within the database

recorded is name of the form, printer name, where to send, macro numbers, etc.),

said print management method further comprising the step of:

(c) storing the image identification information for identifying the allocated image

and the relevant printing device, to which the printing request for printing the allocated

image has already been allocated, into an information storage module **(Page 88,**

Column 2; Noted: See "The Job Management Database"),

wherein said step (b) allocates a printing request for printing an image having an

identical piece of the image identification information with the stored image identification

information for identifying the allocated image to the stored relevant printing device, to

which the printing request for printing the allocated image has already been allocated

(Page 88, Column 2, Noted: as expressed above, the server matches requests and

data files accordingly, merges the information and sends the job to the correct

printer.).

Claim Objections

7.   Claims 9, 10, 11 and 20 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Claims 9-11 and 20 contain subject matter which could not be found in prior art in

that of which is provided in rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JONATHAN R. BECKLEY whose telephone number is

(571)270-3432. The examiner can normally be reached on Mon-Fri: 7:30-5:00 EST

(Alternate Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, TWYLER L. HASKINS can be reached on (571)272-7406. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jonathan R Beckley/
Examiner, Art Unit 2625
6/1/09

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625